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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,304	04/13/2004	Arjen Storm	NEDER29.001DV1	4773

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EXAMINER

KASTLER, SCOTT R

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,304

Applicant(s)

STORM ET AL.

Examiner

Scott Kastler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/151,207.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Means-Plus-Function Language in the Claims

The claims contain the following terms, defined in proper means plus function format:

1. “controllable heating means...” (claim 18 lines 2-3) and “second controllable heating means” (claim 22 line 7) properly defined in the specification at paragraph [0014] for example.
2. “transport means...” (claim 18 lines 6-7) properly defined in the specification at paragraph [0041] for example.

The above terms have been interpreted accordingly. The instant claims do not contain any other terms recited in full proper means-plus-function format.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Shajii et al. Shajii et al teaches an apparatus for the heat treatment of substrates (figure 1 for example) including a flat surface (38) for accommodating the substrate to be treated, heating means (22A-C which meet the means plus function requirements of instant claim 18), transport means (the elevator 24, meeting the requirements of the recited “transport means”), and a cooling system (see col. 5 lines 22-26 for example) where the apparatus further includes a digital control means (30) including both “low level” and “high level” control systems, connected to both temperature

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sensors (36A-E) arranged in the heating body “near” (a relative term that can be met by any distance) the flat surface (38) and able to detect heat withdrawal from the heating body, and the transport means (24) so that the transport operates only in response to the control means and the control means operates the transport means in response to detection of specific temperatures by the temperature sensors (see col. 8 line 48 to col. 9 line 12 for example) thereby showing all aspects of the above claims.

Claim Rejections - 35 USC § 103

Claims 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shajii et al. Shajii et al, as applied to claim 18 above, shows all aspects of the above claims except the specific placement of the temperature sensors at any particular point within the heating body (10) or the use of multiple heating bodies rather than the single heating body taught by Shajii et al. However, it has been well settled that where, as in the instant case, no new or unexpected result is positively shown to arise therefrom, motivation either a) to shift the placement of a component shown by the applied prior art (the temperature sensors of Shajii et al) at any desired location without altering the function thereof, or to employ multiple components, where a single component is shown by the prior art in order to achieve an increased effect, would have been modifications obvious to one of ordinary skill in the art at the time the invention was made. See MPEP 2144.04 VI C, *In re Japikse* 181 F.2d 1019; and MPEP 2144.04 VI B, *In re Harza* 274 F2d 669. In the instant case, absent any demonstrated new or unexpected results arising therefrom, and since the temperature sensors of Shajii et al operate in substantially the same manner in order to perform substantially the same function with substantially the same

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results as instantly claimed; motivation to shift the location of the temperature sensors of Shajii et al to any desired location where they would be equally effective, as well as increasing the numbers of heating bodies (10) employed by Shajii et al in order to increase the number of substrates which could be treated at a single time, would have been modifications obvious to one of ordinary skill in the art at the time the invention was made.

Conclusion

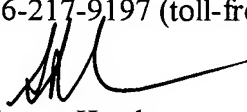
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The related patents and printed publications to Storm et al, Kuznetsov et al'798, and Granneman et al'851 are also cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott Kastler
Primary Examiner
Art Unit 1742

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